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MARK R. JONES,
Plaintiff,
v.
CENTERONE FINANCIAL SERVICES
LLC,
Defendant.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Case No. 14-cv-01673-SI

**ORDER GRANTING IN PART AND
DENYING IN PART DEFENDANT'S
MOTION TO DISMISS**

Re: Dkt. No. 30

On December 12, 2014, the Court held a hearing on defendant's motion to dismiss the amended complaint. Plaintiff alleges that defendant violated California law by issuing post-repossession notices to consumers that do not comply with the Rees-Levering Automobile Sales Finance Act ("Rees-Levering" or "the Act"), Cal. Civ. Code, § 2983 *et. seq.*, and the California Government Code.

Defendant's motion to dismiss is GRANTED in part and DENIED in part. The Court GRANTS defendant's motion to dismiss plaintiff's claim that the NOI violates § 2983.2(a)(1) by failing to itemize the unpaid principal and accrued finance charge. The Court finds that the statute does not require a separate itemization of unpaid principal and interest, and instead the statute requires the NOI to set forth "in full the indebtedness evidenced by the contract until the expiration of 15 days from the date of giving or mailing the notice," including "an itemization of the contract balance *and of any* delinquency, collection or repossession costs and fees . . . [minus any credits or estimates of credits received]" as of the date of the notice. Civ. Code §2983.2(a)(1) (emphasis added). This claim is DISMISSED WITHOUT LEAVE TO AMEND.

The balance of defendant's motion is DENIED. The Court finds that at the pleadings stage, plaintiff has sufficiently alleged a violation of the Rees-Levering Act and the California

1 Government Code (with regard to payment of the law enforcement fee).

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3 **CONCLUSION**

4 For the foregoing reasons and for good cause shown, the Court hereby GRANTS in part
5 and DENIES in part defendant's motion to dismiss the amended complaint.

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7 **IT IS SO ORDERED.**

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9 Dated: December 12, 2014

Susan Illston

10 SUSAN ILLSTON
United States District Judge